

RETURN

To an Address from the Legislative Assembly to His Excellency the Governor General, dated the 2nd instant, praying His Excellency to cause to be laid before the House "copies of all correspondence between the Government and Mr. Justice Draper, relative to his appointment as Agent to England on the subject of the Hudson's Bay Territory,—of the Commission and Instructions given to Mr. Draper,—and of all correspondence between the Imperial and Provincial Governments on the subject of the said Territory.

By command,

T. LEE TERRILL,

Secretary.

Secretary's Office,
Toronto, 6th March, 1857.

Copy.
(No. 179.)

DOWNING STREET, 4th December, 1856.

SIR,—I am desirous of informing you, at the earliest period, of certain important questions which have recently been raised respecting the affairs of the Hudson's Bay Company in British North America, and of the steps which Her Majesty's Government have in contemplation regarding them.

You are aware that the Hudson's Bay Company claim under the Charter of 1760, and the various Acts of Parliament which they consider to have subsequently recognized it, rights of proprietorship, exclusive trade, taxation, and government over all the regions under British dominion watered by streams flowing into Hudson's Bay. The extent and ground of this claim are defined in the "Statements of Rights" printed in the annexed Parliamentary paper, and in the accompanying map.

The Hudson's Bay Company also claim, and actually exercise rights of exclusive trade, although not the ownership of the soil, over all the territory comprised in a certain license to trade, granted in the year 1838 by the Crown under the provisions of the Act "for regulating the fur trade," 1 and 2 George 4, cap. 66 of which license copy is also annexed to this Despatch.

It has been intimated to me on the part of the Hudson's Bay Company, that as their license expires in 1859, and as a very long period is required before any important change of arrangements can be notified and acted on throughout the vast and distant regions affected by it, it will be very desirable that the views of Her Majesty's Government and of Parliament, as to the renewal of the license, should be ascertained as early as possible.

Her Majesty's Government have therefore determined on bringing the whole subject under the investigation of a Committee of the House of Commons at the earliest convenient time. The enquiry will be mainly directed to the question of the renewal of the license: but it must incidentally embrace the general position and prospects of the Hudson's Bay Company.

As many points may arise in the course of this enquiry which may affect the interests of Canada, I have to instruct you to consider, with the advice of your Council, the question whether it may be desirable to send witnesses to appear before the Committee, or in any other manner to cause the views of the Provincial Government, and the interests of the Canadian community, to be represented before this Committee.

I have, &c.,
(Signed,)

Governor Sir E. Head, Bart., &c. &c.

H. LABOUCHERE.

Copy.
(No. 9.)

GOVERNMENT HOUSE,

Toronto, C. W., 17th January, 1857.

SIR,—I have the honour to acknowledge your despatch of 4th December last, No. 179, relating to the Hudson's Bay Company.

I now enclose a copy of a Minute of Council, which I have approved this day. At the same time, I desire to observe that I express no opinion of my own as to the fact that the Western boundary of Canada extends to the Pacific Ocean.

I have, &c.,
(Signed)

The Right Hon. H. Labouchere &c. &c.

EDMUND HEAD.

MINUTE OF COUNCIL.

APPROVED—

(Signed) E. HEAD.

17th January, 1857.

The Committee of Council have read with great satisfaction the despatch of the Secretary of State for the Colonies, of the 4th of December last, on the subject of the Hudson's Bay Company's occupation of the great north-western territory of America.

They rejoice that the important position and advantages of that great portion of the continent have received such prominent attention from the Imperial Government, and are to undergo the examination and consideration of a Committee of the House of Commons in England.

The Committee desire to urge the importance of ascertaining the limits of Canada in the direction of the territory over which the Hudson's Bay Company claim jurisdiction. The general feeling here is strongly that the western boundary of Canada extends to the Pacific Ocean.

In this, or in any view, the tracing and fixing on the ground the line of separation between the United States and these territories of the north west, is of great importance. The rapid settlement of Minnesota, shortly to be admitted a State of the American Union, renders this the more necessary, for, as civilisation approaches the boundary, so will be increased the difficulty of maintaining the distinction between the rights of the two nations on the frontier.

Already the Committee have reason to believe that difficulties in this respect have occurred, or at least have been threatened, and the importance cannot be underrated of early guarding against any such.

The Committee are most anxious that Canadian interests should be properly represented before the proposed Committee of the House, and that opportunity should be afforded for carefully and closely watching any evidence that may be

adduced before that body; and they will take the earliest occasion of suggesting to your Excellency the manner in which they conceive this can be best accomplished. Situated as Canada is, she necessarily has an immediate interest in every portion of British North America, and the question of the jurisdiction and title claimed by the Hudson's Bay Company is to her of paramount importance.

Copy.

(No. 23.)

GOVERNMENT HOUSE,
Toronto, 17th February, 1857.

Sir,—I have the honour to enclose a copy of a Minute of the Executive Council, approved by myself, embodying the instructions given to Chief Justice Draper, C. B., whom I have selected to proceed to England, with reference to the proposed enquiry into the matter of the Hudson's Bay Company and its territory in North America.

I have the fullest confidence in Mr. Draper's discretion and ability, and I believe that Her Majesty's Government may rely with confidence on any information derived from him.

I have, &c.,
(Signed)

EDMUND HEAD.

The Right Hon. H. Labouchere.

Copy of a Report of a Committee of the Honorable the Executive Council, dated 16th February, 1857, approved by His Excellency the Governor General.

In furtherance of the Order in Council of the 27th January ultimo, directing the appointment of a special Agent to proceed to England to represent Canadian rights and interests before the proposed Committee of the House of Commons, on the subject of the Hudson's Bay Territory, the Committee respectfully recommend that the instructions to be given to such Agent for his guidance in the matter referred to, be as follows:—

“The fact that a Parliamentary Committee will probably hear evidence and report to the House of Commons, on the subject of the Hudson's Bay Territory, makes it impossible for His Excellency to convey to you instructions which are not in themselves more or less vague.

“His Excellency cannot anticipate the nature of the evidence to be given, or forestall the conclusion to be arrived at by such a Committee. Even after the Committee shall have reported, the course likely to be taken by Parliament or by Her Majesty's Government can only be conjectured.

“You will not, therefore, expect to receive instructions of a very definite character, but His Excellency has full and complete confidence in your knowledge and discretion, and he confides this mission to you the more readily, because your position in the country is such as to imply an entire estrangement from all the ordinary ties of local or party politics.

“Immediately on your arrival in London, you will place yourself in communication with the Right Honorable the Secretary of State for the Colonies, (to whom these instructions have been communicated) and as soon as any Parliamentary Committee on the subject of the Hudson's Bay Company or territory is constituted, you will take steps for offering to afford all information in your power relating to the interests or claims of Canada.

“You will consider it as part of your duty to watch over those interests by correcting any erroneous impressions, and by bringing forward any claims of a legal or equitable kind, which this Province may possess on account of its territorial position or its past history.

" You will not consider yourself as authorized to conclude any negociation or to assent to any definite plan of settlement affecting Canada, without reporting the particulars of the same, and your own views thereon, to His Excellency in Council.

" His Excellency has full and complete confidence in the justice and consideration of Her Majesty's Government, and he is sure that the interests and feelings of Canada will be consulted, so far as is consistent with right and justice.

" The people of Canada desire nothing more.

" His Excellency feels it particularly necessary that the importance of securing the north west territory against the sudden and unauthorized influx of immigration from the United States side, should be strongly pressed. He fears that the continual vacancy of this great tract, with a boundary not marked on the soil itself, may lead to future loss and injury, both to England and to Canada. He wishes you to urge the expediency of marking out the limits, and so protecting the frontier of the lands above Lake Superior, about the Red River, and thence to the Pacific, as effectually to secure them against violent seizure or irregular settlement, until the advancing tide of emigrants from Canada and the United Kingdom may fairly flow into them, and occupy them as subjects of the Queen on behalf of the British Empire.

" With these objects in view, it is especially important that Her Majesty's Government should guard any renewal of a license of occupation (should such be determined on,) or any recognition of rights in the Company, by such stipulations as will cause such license or such rights not to interfere with the fair and legitimate occupation of tracts adapted for settlement.

" It is unnecessary, of course, to urge in any way the future importance of Vancouver's Island, as the key to all British North America, on the side of the Pacific, situated as it is between the extensive sea-board of Russian America and the vast territory in the hands of the United States.

" His Excellency cannot foresee the course which a Committee of the House of Commons may see fit to pursue in the proposed enquiry, or determine beforehand on what points evidence may be required.

" At any moment, however, his Excellency will be ready to attend to your suggestions, and supply such information, either by documentary evidence, or by witnesses from Canada, as you think necessary, and he may be able to send over.

" You will, of course, act upon such instructions as you may, from time to time, receive."

CERTIFIED.

(Signed)

WM. H. LEE, C. E. C.

SECRETARY'S OFFICE,
TORONTO, 20th February, 1857.

SIR.—I have the honor, by command of His Excellency the Governor General, to communicate to you hereby His Excellency's instructions for your guidance in connection with your mission to England, as the special Agent appointed to represent Canadian rights and interests, before the proposed Committee of the House of Commons, on the subject of the Hudson's Bay Territory.

I am to premise, however, that as it is impossible to anticipate the nature of the evidence that may be taken, or the conclusion that may be arrived at by the Committee, or the course which Parliament or Her Majesty's Government may think proper to adopt on the report of the Committee, it is not in His Excellency's power to convey to you at present any instructions of a precise or definite character. His Excellency has, however, entire confidence in your knowledge and discretion, and he has the more readily entrusted the important mission to you, inasmuch as your high position in the Colony removes you from all the ordinary influences of local or party consideration.

Immediately on arriving in London you will place yourself in communication

with the Right Honorable the Secretary of State for the Colonies, (to whom these instructions have been communicated), and as soon as any Parliamentary Committee on the subject of the Hudson's Bay Company or Territory is constituted, you will take steps for offering to afford all information in your power relating to the interests or claims of Canada.

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You will not consider yourself as authorized to conclude any negotiation, or to assent to any definite plan of settlement affecting Canada, without reporting the particulars of the same, and your own views thereon, to His Excellency in Council.

His Excellency has full and complete confidence in the justice and consideration of Her Majesty's Government, and he is sure that the interests and feelings of Canada will be consulted so far as is consistent with right and justice. The people of Canada desire nothing more.

His Excellency feels it particularly necessary that the importance of securing the north west Territory against the sudden and unauthorized influx of immigration from the United States side, should be strongly pressed.

He fears that the continued vacancy of this great tract, with a Boundary not marked on the soil itself, may lead to future loss and injury, both to England and Canada. He wishes you to urge the expediency of marking out the limits, and so protecting the frontier of the Lands above Lake Superior, about the Red River, and thence to the Pacific, as effectually to secure them against violent seizure, or irregular settlement, until the advancing tide of Emigrants from Canada and the United Kingdom, may fairly flow into them, and occupy them as subjects of the Queen, on behalf of the British Empire.

With these objects in view, it is especially important that Her Majesty's Government should guard any renewal of a license of occupation, (should such be determined on,) or any recognition of rights in the Company, by such stipulations as will cause such license, or such rights, not to interfere with the fair and legitimate occupation of tracts adapted for settlement.

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I have, &c.

(Signed,) _____

E. A. MEREDITH,
Assistant Secretary.

The Honorable

Mr. Chief Justice Draper, C.B.,

&c. &c. &c.

Toronto.

TORONTO:

PAINTED BY JOHN LOVELL, YONGE STREET.